IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

FRIDAY THE FIFTEENTH DAY OF JUNE TWO THOUSAND AND SEVEN
: PRESENT:
THE HON'BLE SRI JUSTICE: **B.PRAKASH RAO**
AND
THE HON'BLE SRI JUSTICE: **G.BHAVANI PRASAD**

CIVIL REVISION PETITION NO. 4686 of 2004

(Petition under Section 115 of CPC to revise the order of the Court of the III Additional Chief Judge, City Civil Court at Hyderabad made in IA.No. 2170/2002 in OS.No. 402/2001 dt. 15-10-2003)

Between:

1. M/s. Arihanth Enterprises Limited, rep. by its Managing Director, Mr. Dhiren C.Shah
2. Mr. Dhiren C.Shah, S/o. Chandrakanth Bhai
3. M/s. Arihanth Iron Traders, a proprietory concerned, rep. by its Prop. Mr. Dhiren C.Shah.

(Petitioners 2 and 3 are rep. by 1st petitioner)
(2nd and 3rd are only proforma petitioners)

Petitioners

AND

1. M/s. Sathavahana Ispat Limited, rep. by its Managing Director Sri A.Naresh Kumar, S/o. A.S.Rao, Office at 314, Sri Ramakrishna Towers, Nagarjuna Nagar, Ameerpet, Hyderabad.
2. Ispat Trading Company, rep. by its Prop. Mr. Dinesh Brahma Batt
3. Mr. Dinesh Brahma Batt
4. Western Auto Spares, a proprietory concern.
5. Sri Haridev Singh Dhingra, Prop: M/s. Western Auto spares.
6. M/s. Kohinoor Moulding Works, a proprietor concern, rep. by its Prroprietor.
7. J.J.Gill, S/o. Not known to the petitioner
8. Rishabh Enterprises, a proprietory concern, rep. by its proprietor.

(Respondents 2 to 8 are not necessary. Hence given up).

Respondents

Whereas the Court upon perusing the petition and grounds filed herein and upon hearing the arguments of Sri I. Nagesh, Advocate for the Petitioners and of Sri J.Prabhakar, observed as follows:

These proceedings arise out of the application filed under Section 8 of the Arbitration Act, 1940, seeking for appointment of Arbitrator which has been rejected on merits.

However, the learned counsel for the petitioner submits that on the facts and circumstances, a step as contemplated under Section 18 C.P.C. can as well be taken which may lead to settlement or compromise irrespective of claims arising among the parties.

Having regard to the very object as contemplated under the aforesaid provision though not mandatory, but a voluntary act, the same can as well be applied prima-facie to all the proceedings where one step in aid Alternative Dispute Resolution can be opted from".

And whereas since larger question is arising and would certainly affect

all the pending cases and also the future litigation, the Court is of the view that the notice shall be given; Hence, The Court directed the office to issue notices to the learned Advocate General, A.P. State Legal Services Authority, Hyderabad, A.P. High Court Legal Services Authority, Hyderabad, the learned Public Prosecutor and the President of the A.P. High Court Advocates' Association;.

Therefore you viz;

1. The Secretary, A.P. State Legal Services Authority, Hyderabad,
2. The Member Secretary, A.P. High Court Legal Services Authority, Hyderabad.
3. The Public Prosecutor, High Court of A.P., Hyderbad.
4. The President, A.P. High Court Advocates' Association, High Court Buildings, Hyderabad.

are hereby directed to appear before this Court on 22-06-2007 and assist the Court in this matter by making your submissions.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Secretary, A.P. State Legal Services Authority, Hyderabad,
2. The Member Secretary, A.P. High Court Legal Services Authority, Hyderabad.
3. The Public Prosecutor, High Court of A.P., Hyderbad.
4. The President, A.P. High Court Advocates' Association, High Court Buildings, Hyderabad.
5. One CC to Sri I.Nagesh, Advocate(OPUC)
6. Two spare copies.

Ksv

HIGH COURT

Ksv
Date of drafting: 19-06-2007

BPRJ
&
GBPJ

DATED: 15-06-2007

NOTE: POST ON 22-06-2007

ORDER

CRP.NO. 4686 OF 2004

NOTICE